

ENTERED

March 15, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ADAM CONTRERAS, §
Plaintiff, §
v. §
DAVID WILSON *et al.* §
Defendants. §

CIVIL CASE NO. H-22-4017

ORDER

Adam Contreras, representing himself, filed a handwritten complaint containing only claims that were not possible, much less plausible. (*See generally* Docket Entry No. 1). He filed using the district court’s form for filing a third-party complaint. (*Id.*). Where the form he used asks the third-party plaintiff to identify and describe the initial complaint filed against the original plaintiff, Contreras writes, “Article VIIUSC, God, DOI, BOR, Philips Heart Microchip Wireless Spy . . . Located in My Ears.” (*Id.* at 3 (capitalization changed for readability)). Contreras writes similar text throughout the form. Another document filed with the court contains 44 pages of handwritten, incomprehensible text, copies of commercial mailings, receipts, and other miscellaneous documents. (*See generally* Docket Entry No. 5).

Contreras’s complaint was filed in forma pauperis. The statute governing such cases states that the court “shall dismiss the case at any time if the court determines that . . . the action or appeal . . . is frivolous . . . [or] fails to state a claim on which relief may be granted.” 28 U.S.C. § 1915(e)(2)(i)–(ii). A claim is frivolous if it lacks any arguable basis in law or fact. *Samford v. Dretke*, 562 F.3d 674, 678 (5th Cir. 2009). A complaint lacks an arguable basis in fact when the plaintiff’s allegations are so “fanciful,” “fantastic,” and “delusional” as to be “wholly incredible.” *Denton v. Hernandez*, 504 U.S. 25, 32–33 (1992) (quoting *Neitzke v. Williams*, 490 U.S. 219, 325,

328 (1989)). Contreras's complaint is plainly unintelligible and fantastical. It lacks any basis in law or fact.

The court dismisses Contreras's complaint, with prejudice and without leave to amend, because amendment would be futile. An order of dismissal will be separately entered.

SIGNED on March 15, 2023, at Houston, Texas.



Lee H. Rosenthal
United States District Judge